

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

LUBRICANTES VENOCO )  
INTERNATIONAL, C.A., )

Plaintiff, )

v. )

M/V RIO NEVERI, her engines, )  
furniture, apparel, etc., in rem; LIMA SOL )  
SHIPOWNERS, and SHIPCO MARINE )  
MANAGEMENT, in personam )

Defendants )

----- )  
FREDDY SANTANA, et. al. )  
Intervening Plaintiff )

PEREZ Y CIA. DE PUERTO RICO, INC., )  
Intervening Plaintiff )

TRANSCARIBBEAN MARITIME CORP. )  
Intervening Plaintiff )

UNITED STATES OF AMERICA )  
Intervenor )  
----- )

CIVIL NO. 98-1765 (JAF)

In Admiralty

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U.S. DISTRICT COURT  
SAN JUAN, P.R.

**AMENDED ORDER FOR CONFIRMATION OF INTERLOCUTORY SALE**

WHEREAS, the United States Marshal Service ("USMS") arrested the defendant in rem,  
M/V RIO NEVERI, on July 9, 1998; and,

WHEREAS, this Court's Amended Order for Interlocutory Sale dated December 28,  
1999, ordered a third interlocutory USMS sale of the said defendant vessel RIO NEVERI, with a  
minimum price of \$50,000; and,

WHEREAS, pursuant to the terms of said Order, notice of the sale was published in The  
San Juan Star on January 4, 2000, at page 16, and on January 5, 2000, at page 141; and,

WHEREAS, the sale of defendant vessel RIO NEVERI was duly and regularly conducted

by the USMS on January 13, 2000, at the USMS office as provided in said Order and as advertised in said notice; and,

WHEREAS, the highest bid for the defendant vessel RIO NEVERI was made by Mr. Osman Mustafa in the amount of exactly ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00), an amount in excess of the minimum bid price fixed in the said Order, and in compliance with said Order, the highest bidder tendered three checks totaling \$15,000.00, as the required 10% deposit; and,

WHEREAS, the highest bid received of \$150,000.00, offered by Mr. Osman Mustafa was determined to be a fair and reasonable price for the defendant vessel RIO NEVERI, in its present condition; and,

WHEREAS, Mr. Mustafa has since withdrawn his bid and forfeited his deposit, which is to be deposited in the registry of the Court; and,

WHEREAS, the USMS has contacted the second-highest bidder from that same auction of January 13, 2000, and the second-highest bidder, Mr. Manuel Lopez-Garcia has confirmed his interest and intent to purchase the defendant vessel RIO NEVERI at the amount of \$148,000.00, which Mr. Lopez-Garcia bid at that auction; and

WHEREAS, Mr. Lopez-Garcia's bid of \$148,000.00 is approximately 99% of the high bid and thus a fair and reasonable price for the defendant vessel RIO NEVERI in its present condition; and,

WHEREAS, Mr. Lopez-Garcia paid a \$14,785.00 deposit on his bid and has paid an additional \$133,200.00 for a total of \$147,985.00 (which is just \$15.00 short of the total bid of \$148,000.00, due to imposition of a \$15.00 bank fee). **Mr. Lopez-Garcia has towing vessels *en***

**route to San Juan, which are expected to arrive on Thursday, March 16, 2000, at which time he will be prepared to pay the remaining \$15.00 on his \$148,000.00, in exchange for a bill of sale and clear title to the M/V RIO NEVRI, and to remove the vessel from this District; and,**

WHEREAS, upon Confirmation of this Interlocutory Sale, the USMS will have received a total of \$163,000.00 (comprised of the \$15,000.00 deposit forfeited by Mr. Mustafa and the \$148,000.00 bid and paid by Mr. Lopez-Garcia) as a result of the successful auction, to be deposited in the registry of the Court for further distribution as directed by this Court; and

WHEREAS, consultation with counsel for Intervenor Plaintiff Perez and with counsel for the Substitute Custodian Fyffe, **the parties agree that expeditious Confirmation of this Interlocutory Sale and subsequent distribution of the proceeds of sale are to the parties advantage;**

NOW, upon motion by the Intervenor United States,

IT IS HEREBY ORDERED, that, pursuant to Supplemental Rule E(9)(b), Federal Rules of Civil Procedure, that the United States Marshal for the judicial district of Puerto Rico be, and hereby is, authorized and directed to sell forthwith the M/V RIO NEVERI to Mr. Lopez-Garcia for the bid price of exactly ONE HUNDRED FORTY-EIGHT THOUSAND DOLLARS (\$148,000.00); and it is further

ORDERED, that the USMS shall receive forthwith from the successful bidder, the balance of \$15.00 of the bid price, and turn in the total sale proceeds forthwith into the registry of the Court, and thereafter, the USMS shall issue a bill of sale, "as is, where is", with at least three (3) copies, conveying title of the M/V RIO NEVERI with her engines, furniture, apparel, etc., to

Mr. Lopez-Garcia, or his nominee, free and clear of any and all liens and encumbrances; and it is further

ORDERED that, to the extent that the parties or any other person have not already moved the Court for distribution of the sale proceeds, that the parties or any other person who furnished supplies or services to the defendant vessel RIO NEVERI while the said vessel was in the custody of this Court shall file a separate motion containing an invoice in the form of a verified claim for payment as *custodia legis* expenses as provided by Local Admiralty Rule E(12)(d), and those persons, including any of the parties, will have a period of thirty days from the date of this Order to submit the above-described documents to this Court for review and approval.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 15th day of March, 2000.

  
JOSE ANTONIO EUSTIS  
U.S. DISTRICT JUDGE